

Appl. No. 09/890/120
Amdt. dated February XXXXXXXXXXXX, 2003
Reply to Office Action of Sept. 23, 2003

Docket No. 034299-000336

REMARKS

Upon entry of this Amendment, which amends Claims 1, 2 and 7, Claims 1-11 remain pending in the present application. In the September 23, 2003 Office Action, Claims 1, 2, 4 and 5 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over U.S. Patent No. 5,821,769 to Douseki (hereinafter referred to as "Douseki") in view of U.S. Patent No. 6,121,079 to Kim (hereinafter referred to as "Kim"). Claim 3 was rejected under 35 U.S.C. § 103, as allegedly being unpatentable over Douseki in view of Kim and further in view of Hu et al. (Int'l Appl. WO 96/07205). Finally, Claims 7-11 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Douseki in view of Kim and further in view of U.S. Patent No. 6,015,993 to Voldman et al.

Applicant respectfully requests reconsideration of the claims in view of the above amendments and the comments below.

35 U.S.C. § 103 Claim Rejections

On pages 3 and 4 of the Office Action, Claims 1, 2, 4 and 5 were rejected under U.S.C. § 103 as being unpatentable over Douseki in view of Kim. For the following reasons, Applicant respectfully disagrees.

Douseki describes a low-voltage CMOS circuit having threshold voltage control. As acknowledged on page 2 of the September 23, 2003 Office Action, Douseki does not disclose a current limiter having a "second doped zone of a second conductivity type" that is "physically disposed against" a "first doped zone" of the "first conductivity type".

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For at least this reason, therefore, Douseki does not anticipate independent Claim 1 of the present invention. On page 2 of the Office Action, the Examiner acknowledges and concedes that Douseki "fails to teach a second zone of a second conductivity physically disposed against the first doped zone.

Kim discloses a DRAM memory with four transistors: a read pass transistor MM3, a write pass transistor MM1, a storage transistor MM2, and a depletion transistor D. The depletion transistor includes an n-type drain 19-4, which is disposed against a p-type doped region 20.

In the Office Action, it is argued that "it would have been an obvious modification to someone with ordinary skill in the art, at the time of the invention, to modify the structure as taught by Douseki to include a second doped zone of a second conductivity physically disposed against the first doped zoned..." For the following reasons, Applicant respectfully disagrees.

First, Douseki and Kim are non-analogous art and cannot, therefore, be combined to form the bases of a § 103 rejection. See, MPEP § 2141.01.) Kim, which involves the manufacture of dynamic random access memory (DRAM) cells is in a completely different field of endeavor than Douseki, which is directed at threshold control of CMOS logic circuits.

Second, Kim provides no suggestion or motivation to modify the CMOS logic teaching of Douseki. Section 2143.01 of the MPEP directs that in order to present a § 103 argument, there must be some suggestion or motivation to combine or modify. Kim

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does not provide any suggestion or motivation to modify. Accordingly, it cannot be used to support a § 103 rejection.

Third, although region 20 in Kim is of a conductivity type (i.e. p-type) opposite that of the junction region 19-4, which is n-type, region 20 is not in "ohmic connection" with the junction region 19-4, as independent Claim 1 recites. Accordingly, even if there were some suggestion or motivation to combine the modification would not result in a semiconductor device having the properties recited in independent Claim 1. In other words, such a proposed modification would not succeed in producing the claimed invention. It is indisputable that an essential factor in the Examiner's burden of presenting a *prima facie* case of obviousness is that the proposed modification must have a "reasonable likelihood of success". (See MPEP § 2143.) The proposed modification in the Office Action has no likelihood of success.

For at least the foregoing reasons, Applicant respectfully believes that the § 103 rejection of independent Claim 1 cannot be properly maintained. Applicant requests, therefore, that the § 103 be withdrawn.

The other claims pending in the application all depend from independent Claim 1. Accordingly, they derive patentability as depending from what appears to be an allowable base claim. The additional prior art references cited by the Examiner do nothing to change this result. Accordingly, Applicant respectfully requests that the § 103 rejections of dependent claims 2-10 be withdrawn.

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CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 408-282-1857.

Respectfully submitted,

Dated: February __, 2004

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